ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING WASHINGTON, DC 20515-6115

Majority (202) 225–2927 Minority (202) 225–3641

January 23, 2014

Mr. Gary Southern President Freedom Industries P.O. Box 713 Charleston, WV 25323

Dear Mr. Southern:

Since January 9, 2014, state and federal health officials have scrambled to respond to the leak of 4-methylcyclohexane methanol (MCHM) from Freedom Industries' Charleston storage facility on West Virginia's Elk River. On January 22, almost two weeks later, you informed the West Virginia Department of Environmental Protection that the leaking tank had contained yet another chemical, PPH. According to the U.S. Centers for Disease Control, data about the potential health risks posed by both chemicals are "very limited."²

You also testified yesterday before a federal judge about Freedom Industries' Chapter 11 bankruptcy filing. We are concerned that when all is said and done, taxpayers will be left to pay for any long-term costs of cleaning up contamination from your Elk River facility.

In order to help us understand the potential risks posed to human health, the environment, and taxpayers, please provide the following information by January 31, 2014:

- (1) Provide all documents related to the identity of the chemicals stored at Freedom Industries' Charleston facility on the Elk River and the potential risks posed by these chemicals to human health and the environment.
- (2) Describe any financial responsibility requirements that Freedom Industries and/or its parent company or companies had satisfied before commencing operations at the

¹ West Virginia Department of Environmental Protection, *Freedom verifies two chemicals (Crude MCHM, PPH) in tank* (Jan. 22, 2014) (online at www.dep.wv.gov/news/Pages/Freedom-verifies-two-chemicals-%28Crude-MCHM,-PPH%29-intank.aspx) (press release).

² Officials looking for info on second chemical in spill, Charleston Gazette (Jan. 22, 2014) (online at www.wvgazette.com/News/201401220031).

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Charleston facility on the Elk River, such as obtaining insurance or posting bonds, to ensure the company's ability pay for any necessary cleanup of contamination at the site.

Sincerely,

Henry A. Waxman Ranking Member

Paul D. Tonko Ranking Member

Subcommittee on Environment and the Economy